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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,006	03/06/2001	James C. Rush	STE01 P-1086	5256

277 7590 07/31/2003

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
**09/800,006**

Applicant(s)  
**James C. Rush et al.**

Examiner  
**YVONNE M. HORTON**

Art Unit  
**3635**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on May 5, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 5-45, and 49-64 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-26, 29-44, and 51-64 is/are allowed.
- 6) ☒ Claim(s) 1, 27, 45, and 49 is/are rejected.
- 7) ☒ Claim(s) 28 and 50 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1,45 and 49 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,277,512 to DWILLIES. In reference to claims 1 and 45, DWILLIES discloses a furniture system including a plurality of overhead beams (10,11,50); wherein the overhead beam (11) specifically has an upper surface with a single horizontal slot (S), see the marked attachment of figure 2 and see also figure 14E, a plurality of vertical posts (12,13,30) having outwardly extending flanges (36) having an end face (32) with a vertical central slot (16,34), and a plurality of connectors (14,52). The slots (16,34) are generally T-shaped with an enlarged interior track portion (40) and a reduced neck portion (38) and the connectors (14,52) are shaped to be received within the slots (16,34). The overhead beams (10), when positioned at an uppermost portion of the frame have slots (22) in a lowermost face thereof, see figure 1. Further regarding claim 45, DWILLIES also discloses the use of an "X-post" having four outwardly extending flanges and slots, see Figure 14E; and a "Y-post" having three outwardly extending flanges and slots, see Figure 14D. Regarding claim 49, the beams (as shown in figures 14D) have sides slots similar to slots (S).
3. Claims 1 and 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,513,606 to JONES. JONES discloses a furniture system including a plurality of overhead

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beams (36) having an upper surface including a single horizontal slot (37), a plurality of vertical posts (2) having outwardly extending flanges (FL) and an end face with a vertical central slot (3), and a plurality of connectors (4,40). The slots (3) are generally T-shaped with an enlarged interior track portion (IT) and a reduced neck portion (N) and the connectors (4,40) are shaped to be received within the slots (3). The overhead beams (36) have slots (37) in a lowermost face thereof, see attachment. Regarding claim 27, the vertical posts (20) include hollow bases (5) with adjustable leveling telescoping feet (F), see attachment.

***Allowable Subject Matter***

4. Claims 5-26,29 and 51-64 are allowed.
5. Claim 28 remains objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 30-44 remains allowable for the reasons indicated in the previous Official Action.

***Response to Arguments***

8. Applicant's arguments filed 5/5/03 have been fully considered but they are not persuasive. Regarding the applicant's argument that HIGGINS or JONES et al. does not disclose the

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use of a beam member having a single slot in both the upper and lower surfaces, the rejections have been modified above to detail the upper and lower slots formed in the beam members. .

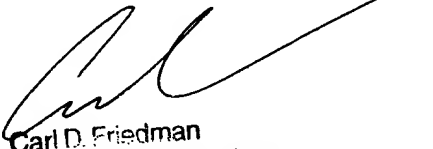
***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH  
Art Unit 3635  
July 28, 2003

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

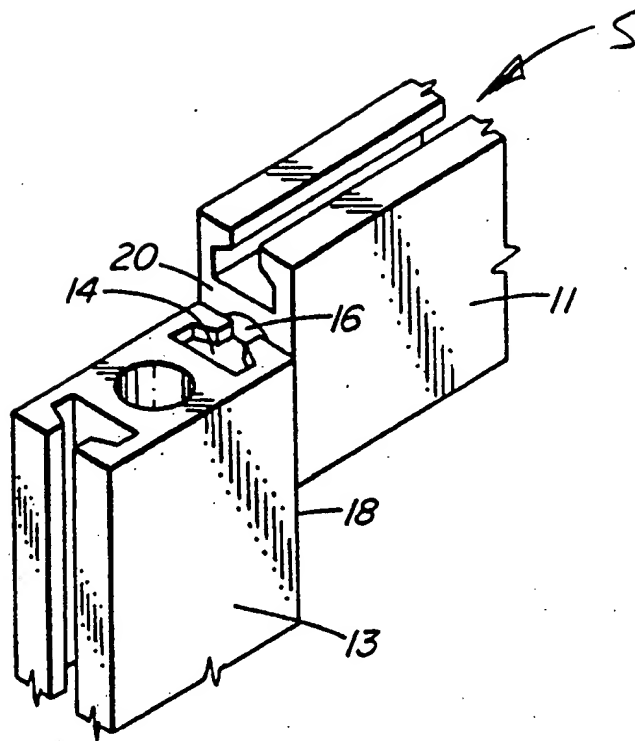


FIG. 2

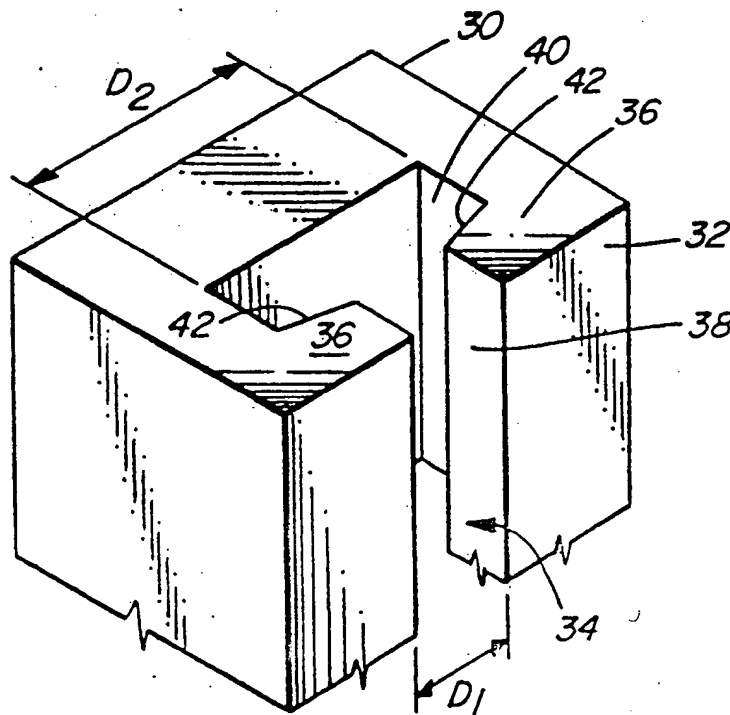


FIG. 3

**May 26, 1970**

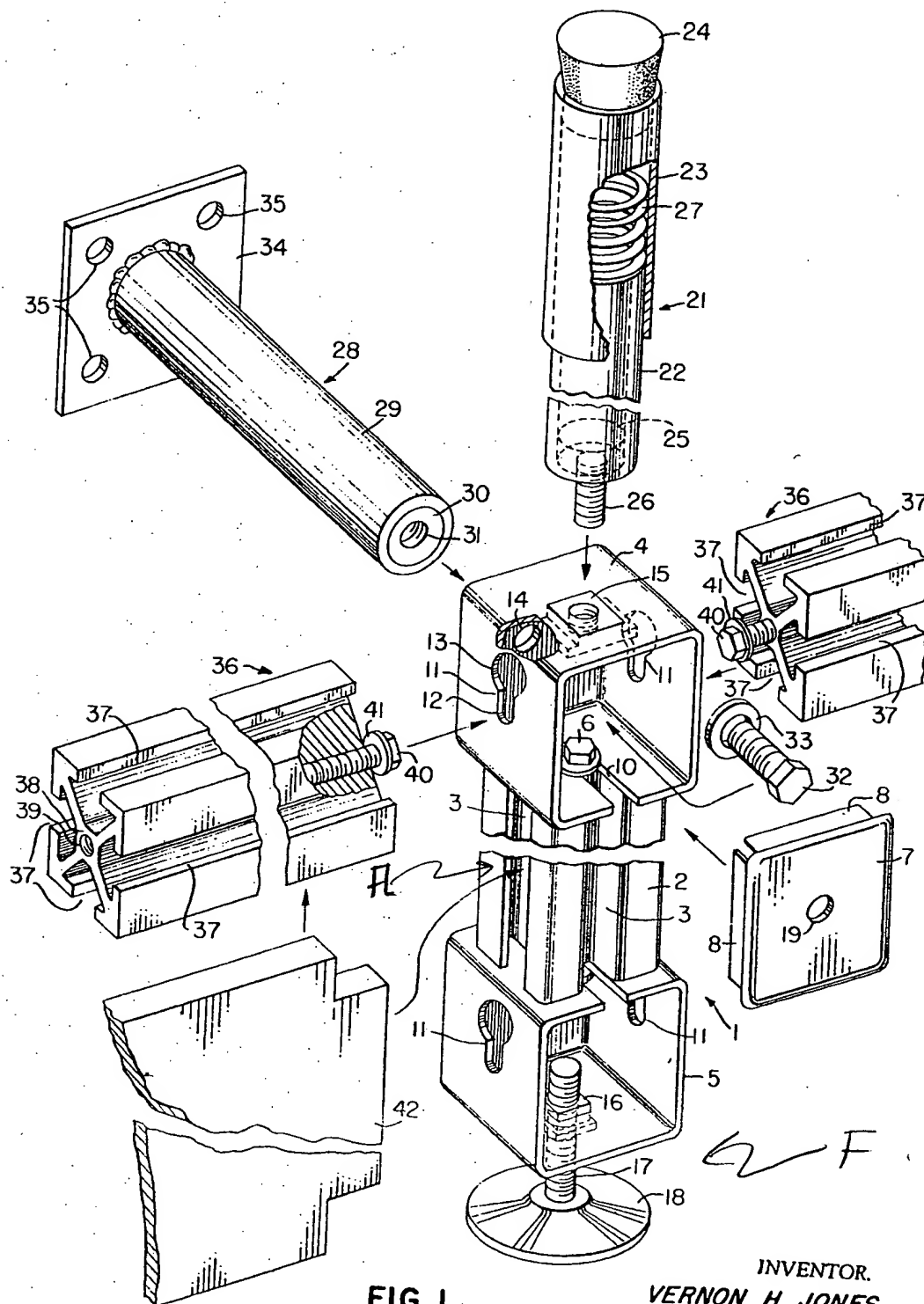
V. H. JONES

**3,513,606**

STRUCTURAL FRAMEWORK AND CONNECTOR JOINT THEREFOR

Filed Feb. 21, 1968

5 Sheets-Sheet 1



**FIG. 1**

INVENTOR.  
VERNON H. JONES

BY

*Armstrong*  
ATTORNEY.